

Office Supreme Court, U. S.

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JAMES D. MAHER,  
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No. 8 291

IN THE

# Supreme Court of the United States.

OCTOBER TERM, A. D. 1920.

LOUISIANA & PINE BLUFF RAILWAY  
COMPANY,

Appellant,

vs.

THE UNITED STATES OF AMERICA.

Appellee.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR  
THE WESTERN DISTRICT OF ARKANSAS.

**MOTION TO ADVANCE.**

BARNARD & MILLER PRINT, CHICAGO

IN THE

# Supreme Court of the United States,

OCTOBER TERM, A. D. 1920.

LOUISIANA & PINE BLUFF RAILWAY  
COMPANY,

Appellant,

vs.

THE UNITED STATES OF AMERICA.

Appellee.

No. 859.

Appeal from the District Court of the United States for the Western  
District of Arkansas.

## MOTION TO ADVANCE.

Comes now the appellant, by its counsel, and respectfully moves the court to advance this case for argument on an early day of the next term of this court, and in support of said motion shows:

This is a suit by the Louisiana & Pine Bluff Railway Company to set aside an order of the Interstate Commerce Commission, dated June 10, 1919, in a proceeding before that Commission entitled Investigation and Suspension Docket No. 11, Louisiana & Pine Bluff Divisions, 53 I. C. C. 475.

In Investigation and Suspension Docket No. 11, commonly known as the Tap-line case, following the decision of this court, 234 U. S. 1, the Commission fixed a mileage scale of allowances or divisions to be paid by the trunk

lines to the various tap lines; for switching a car a distance of over one mile and up to three miles from the junction the allowance was \$3 per car and for distances over three miles and not over six miles from the junction the allowance was 1½ cents per hundred pounds. See 31 I. C. C. 490.

In the case of the Louisiana & Pine Bluff Railway, the Commission held that the distance to and from the track scales should not be included in determining the mileage the cars are hauled by the appellant and thereby reduced the allowance to be paid to the appellant by the St. Louis, Iron Mountain & Southern Railway Company from 1½ cents per hundred pounds of lumber to the basis of \$3 per car, as the exclusion of the haul to and from the scales, where the car was weighed to determine the basis of transportation charges to be paid by the shipper or consignee, reduced the distance to less than three miles.

The District Court held that the Interstate Commerce Commission in making the order complained of did not exceed its power and therefore declined to set the order aside. Whether the Interstate Commerce Commission had the right to exclude the distance appellant hauls lumber to and from the scales is the question involved in this case. Its determination is of importance not only to the applicant, but to all other carriers who may be similarly situated.

By Act of October 22, 1913, precedence and expedition in hearing is provided for.

Respectfully submitted,

LUTHER M. WALTER,  
*Counsel for Appellant.*

1623 First National Bank Bldg.,  
Chicago, Illinois.  
April 25, 1921.